

Serial No. 10/657,781

REMARKS

The Office action dated October 26, 2005 and the cited references have been carefully considered.

Status of the Claims

Claims 1-47 are pending. Claims 1-12, 25, 27, 28, and 31-47 are withdrawn pursuant to an earlier election in response to restriction requirement. Therefore, claims 13-24, 26, 29, and 30 remain in the current prosecution.

Claims 13-24, 26, 29, and 30 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ichinohe (U.S. patent 6,878,792). The Applicants respectfully traverse this rejection for the reasons set forth below.

Claim Rejection Under 35 U.S.C. § 102

Claims 13-24, 26, 29, and 30 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ichinohe (U.S. patent 6,878,792). The Applicants respectfully traverse this rejection because Ichinohe does not disclose each and every element of each of claims 13-24, 26, 29, and 30.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a *single* prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). "Every element of the claimed invention must be *literally* present, arranged as in the claim. . . . The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Ichinohe discloses a colored silicone material that is obtained by chemical bonding of a dye material (having formula I or II) to a silicone polymer. Column 4, lines 20-23. It is not taught or suggested that this silicone polymer is actually a shaped medical device, and it is certainly not inherent that any mention of a silicone polymer is a mention of a medical

Serial No. 10/657,781

device. Furthermore, details not disclosed in the reference, unless they are inherent, must not be read into it. And nowhere else does Ichinohe disclose or suggest that the dye material is bonded to a shaped medical device. Instead, the only disclosure of a production of a colored polymeric film (not even a medical device) is found in Example 3 and Comparative Example 1. There, Ichinohe discloses that a colored prepolymer was first made by reacting the dye with a first polymer. Then, this colored prepolymer was mixed and polymerized with a second polymer to form a film between two glass plates. Thus, Ichinohe does not disclose that a shaped medical device is simply exposed to the dye and a catalyst to form a medical device with blue light absorbing properties, as is recited in claims 13-13-24, 26, 29, and 30.

Therefore, Ichinohe does not disclose each and every element of each of claims 13-24, 26, 29, and 30. Consequently, Ichinohe does not anticipate these claims.

In view of the above, it is submitted that the claims are patentable and in condition for allowance. Reconsideration of the rejection is requested. Allowance of the claims at an early date is solicited.

Respectfully submitted,



Toan P. Vo, Ph.D.
Attorney for the applicants
Registration No. 43,225
585-338-8071

Bausch & Lomb Incorporated
One Bausch & Lomb Place
Rochester, New York 14604
December 2, 2005